

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Writ of habeas corpus relief extends to a person in custody under the authority of the United States. See 28 U.S.C. § 2241. While a federal prisoner who wishes to challenge the validity or constitutionality of his conviction must bring a petition for writ of habeas corpus under 28 U.S.C. § 2255, a petitioner challenging the manner, location, or conditions of that sentence's execution must bring a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. See, e.g., Capaldi v. Pontesso, 135 F.3d 1122, 1123 (6th Cir. 1998); United States v. Tubwell, 37 F.3d 175, 177 (5th Cir. 1994); Kingsley v.

1 Bureau of Prisons, 937 F.2d 26, 30 n.5 (2nd Cir. 1991); United States v. Jalili, 925 F.2d 889,
2 893-94 (6th Cir. 1991); Barden v. Keohane, 921 F.2d476, 478-79 (3rd Cir. 1991); United
3 States v. Hutchings, 835 F.2d 185, 186-87 (8th Cir. 1987); Brown v. United States, 610 F.2d
4 672, 677 (9th Cir. 1990). A petitioner filing a Petition for Writ of Habeas Corpus under 28
5 U.S.C. § 2241 must file the petition in the judicial district of the petitioner's custodian.
6 Brown, 610 F.2d at 677.

7 The Petitioner in this case is challenging the calculation of his prison term. In
8 addition, the Petitioner is confined at the Taft Correctional Institution, which is located
9 within the jurisdiction of this Court. See U.S. v. Giddings, 740 F.2d 770, 772 (9th Cir.1984).
10 Thus, his petition is proper under § 2241.

11 Accordingly, pursuant to Rule 4 of the Rules Governing Section 2254 Cases,¹ the
12 Court HEREBY ORDERS:

13 1.Respondent SHALL FILE an ANSWER addressing the merits of the Petition within
14 **SIXTY (60)** days of the date of service of this order. Respondent shall include with the
15 response any and all transcripts or other documents relevant to the resolution of the issues
16 presented in the petition, including copies of appeals taken by a prisoner within the prison
17 and before the Bureau of Prisons.² Rule 5 of the Rules Governing Section 2254 Cases. The
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21 ¹The Rules Governing Section 2254 Cases may be applied to petitions for writ of habeas
22 corpus other than those brought under § 2254 at the Court's discretion. See, Rule 1 of the Rules
23 Governing Section 2254 Cases. Civil Rule 81(a)(2) provides that the rules are "applicable to
proceedings for . . . habeas corpus . . . to the extent that the practice in such proceedings is not set
forth in statutes of the United States and has heretofore conformed to the practice of civil
actions." Fed. R. Civ. P 81(a)(2).

24 ²In the event Respondent is unable to obtain a photocopy of prisoner appeals and intends
25 to file a computerized printout of the disposition, Respondent must also provide the Court with
26 translation of the internal codes used in the printout. To the extent the claims concern prison
27 policy and procedure not accessible to the Court by electronic means (Westlaw/Lexis),
Respondent must provide the Court with a photocopy of all prison policies and/or procedures at
issue in the case. This includes any *internal* prison policies of which a prisoner complains and is
subject to.

1 Court recognizes that Counsel on behalf of the Government and/or the Institution³ may wish
2 to respond on separate issues raised in the Petition. However, the Court will accept only one
3 (1) "Answer." Such Answer SHALL CONTAIN all argument with respect to all of the issues
4 raised in the Petition, whether formulated by Counsel for the Government or the Institution.

5 2. Respondent SHALL FILE a Notice of Appearance within **TWENTY (20)**
6 days of the date of service of this Order. The Notice SHALL indicate the
7 name of the individual(s) who will be representing the Government and/or the
8 Institution. The Notice is necessary to ensure that the appropriate counsel for
9 Respondent is being served by the Court. The submission of the Notice of
10 Appearance will terminate Court service on those listed in paragraph 4.

11 3. Petitioner's TRAVERSE, if any, is due on or before **THIRTY (30)** days from
12 the date Respondent's Answer is filed.

13 4. The Clerk of the Court SHALL serve a copy of this Order along with a copy of
14 Petitioner's Petition filed April 7, 2006, and all exhibits, on the Office of the
15 United States Attorney for the Eastern District of California, an agent for the
16 appropriate Correctional Institution if applicable, and the United States Bureau
17 of Prisons.

18 All motions shall be submitted on the record and briefs filed without oral argument
19 unless otherwise ordered by the Court. Local Rule 78-230(h). All provisions of Local Rule
20 11-110 are applicable to this order.

21 IT IS SO ORDERED.

22 **Dated: January 23, 2007**
23 bl0dc4

/s/ **William M. Wunderlich**
UNITED STATES MAGISTRATE JUDGE

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26 ³Counsel for the "Institution" means private Counsel representing contracted facilities
27 such as Taft Correctional Institution, (Wackenhut Corrections Corporation), or California City
28 Correctional Center (Corrections Corporation of America).